

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
CENTRAL DIVISION**

LESLIE BARTOLOMEI

Plaintiff,

v.

NATIONAL REPUBLICAN  
CONGRESSIONAL COMMITTEE, *et al.*

Defendants.

No. 4:20-cv-271-BRW

**JOINT MOTION TO STAY CASE PENDING THE OUTCOME OF *Barr v. American Association of Political Consultants***

Defendants, the National Republican Congressional Committee (“NRCC”), WinRed Services, LLC (“WinRed”), and Plaintiff Leslie Bartolomei move that this case be stayed pending the Supreme Court’s resolution of *Barr v. American Association of Political Consultants, Inc.*, No. 19-631 (U.S.) (argument held May 6, 2020) and, in support, state:

1. Plaintiff filed an Amended Complaint on March 27, 2020 alleging violations of 47 U.S.C. § 227(b), the cellular autodialer ban, of the Telephone Consumer Protection Act (“TCPA”).
2. Defendant NRCC filed a motion to dismiss on May 4, 2020 arguing, *inter alia*, that the government debt exception is a content-based speech restriction that is not severable from the prohibition on autodialer cellular calls as a whole.
3. Defendant WinRed intends to file a motion to dismiss on May 19, 2020 raising, *inter alia*, the same argument on constitutionality as the NRCC.
4. On May 6, 2020, the Supreme Court of the United States heard oral argument in *Barr v. American Association of Political Consultants, Inc.*, No. 19-631 (U.S.). The *Barr* case

addresses the exact arguments of constitutionality and severability that were raised in NRCC's motion to dismiss and will be raised in WinRed's motion to dismiss.

5. The issues of the constitutionality of 47 U.C.S. § 227(b) is directly at issue.

6. In the interest of judicial economy and to avoid needless expense should the Supreme Court declare the cellular telephone autodialer ban at § 227(b)(1)(A) unconstitutional, the parties jointly request a stay of all deadlines—with the exception of the filing of WinRed's motion to dismiss on or before May 19, 2020—pending resolution of *Barr*.

7. In the interest of uniformity and to allow Plaintiff an extended time to review both motions to dismiss, WinRed will file their motion to dismiss on or before May 19, 2020 as provided by Federal Rule of Civil Procedure 12.

8. Plaintiff shall not be required to respond to Defendants' Motions to Dismiss, either by filing an Opposition brief, or Amended Complaint until such time as the stay is lifted.

Wherefore all parties pray that the Court grant this motion to stay pending the resolution of *Barr v. American Association of Political Consultants, Inc.*, No. 19-631 (U.S.).

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*\*Pro hac vice motions to be filed*

And

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